

REMARKS

The preceding amendments and following remarks form a full and complete response to the Office Action dated April 2, 2009. Applicants have amended claim 1 and added new claim 50. Claims 8-11, 13 and 15-49 were previously withdrawn from consideration. No new matter has been added by the amendments. Support for the claim amendment and new claim 50 can be found, *inter alia*, in claims 1 and 32 as originally filed and in ¶¶ 32-40 of the Specification¹. Accordingly, claims 1-50 remain pending in the present application and are submitted for reconsideration.

Prior Art Rejections

The Patent Office rejected claims 1-7, 12 and 14 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,963,132 to Yoakum (“Yoakum”) in view of U.S. Patent No. 6,304,766 to Colvin Jr. et al. (“Colvin”). Applicants traverse the rejection on the basis that claims 1-7, 12 and 14 recite subject matter neither disclosed nor suggested by the combination of Yoakum and Colvin.

Yoakum relates to an encapsulation of the circuitry of an EID or RFID transponder. *See* Yoakum at col. 2, lines 35-36. The transponder 30 can include signal processing circuitry 12 encased in a sealed encapsulant 34. *Id.* at col. 3, lines 15-25. Epoxy 32 fills the void in the encapsulant that is not otherwise occupied by the transponder’s signal processing circuitry 12 and the antenna 20. *Id.* at col. 3, lines 29-32. Yoakum, however, fails to disclose or suggest each and every feature of the claimed invention.

¹ Unless otherwise noted, citations to the Specification refer to U.S. Patent Application Publication No. 2005/0234316.

For instance, Yoakum fails to disclose or suggest a biocompatible, human implantable apparatus comprising a second epoxy disposed between an outer surface of the brick of epoxy and an inner surface of the fully enclosed housing, as recited by claim 1. Instead, Yoakum merely discloses a single epoxy 32 that fills the void in the encapsulant 34 that is not otherwise occupied by the processing circuitry 12 and the antenna 20.

Colvin, which the Examiner appears to cite for its disclosure of a housing, fails to remedy the deficiencies of Yoakum with respect to claim 1. For instance, Colvin, like Yoakum, fails to disclose or suggest a second epoxy disposed between an outer surface of the brick of epoxy and an inner surface of the fully enclosed housing, as recited by claim 1. Accordingly, Colvin fails to remedy the deficiencies of Yoakum with respect to claim 1.

Since neither Yoakum nor Colvin discloses or suggest each and every feature of claim 1, claim 1 is patentable over the combination of Yoakum and Colvin. Applicants, therefore, respectfully request the withdrawal of the rejection of claim 1. Claims 2-7, 12 and 14, which depend either directly or indirectly from claim 1, are patentable for at least the same reasons stated above with respect to claim 1 as well as for the additional features they recite. Applicants, therefore, respectfully request the withdrawal of the rejection of claims 2-7, 12 and 14.

New Claim

New claim 50 recites a biocompatible, human implantable apparatus that includes a fully enclosed housing and a circuit encased within a brick of epoxy. The brick of epoxy is comprised of a polymerized formulation of monomers and polymers. Furthermore, brick of epoxy containing the circuit is housed within the housing. Claim 50 is patentable over the cited references because both Yoakum and Colvin fail to disclose or suggest, amongst other things, a

brick of epoxy comprised of a polymerized formulation of monomers and polymers, as required by claim 50. Applicants, therefore, respectfully request the allowance of claim 50.

CONCLUSION

All objections and rejections have been sufficiently addressed. Applicants submit that the application is now in condition for allowance and request that the Office allow claims 1-7, 12, 14 and 50 and pass this application to issue.

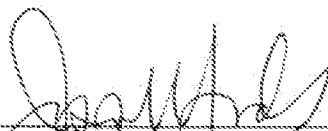
In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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By:


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